incurred through its escape. It is true that this regulation does materially limit the contractual liberty of both the employer and employee, but the law being desirable from an economic and sociological viewpoint, it may be said to have a close relation to the welfare of the public and therefore be a justifiable exercise of the police power. The Federal Supreme Court had previously upheld the constitutionality of a similar employer's liability law passed by Congress with reference to interstate commerce, *Mondou* v. *N. Y., N. H. & H. Ry. Co.*, 223 U. S. 1, 32 Sup. Ct. 169, 56 L. Ed. 327, 38 L. R. A. N. S. 44; and many State courts have upheld the validity of such legislation. *Opinion of Justices*, 209 Mass. 607, 69 N. E. 308; *Young* v. *Duncan*, 218 Mass. 346; *Borgnis* v. *Falk Co.*, 147 Wis. 327, 133 N. W. 209, 37 L. R. A. N. S. 489; *State ex rel. Yaple* v. *Creamer*, 85 Ohio St. 349; *Sexton* v. *Newark Dist. Tel. Co.*, 84 N. J. L. 85, 86 N. J. L. 701; *Deibekis* v. *Link-Belt Co.*, 261 Ill. 454; *Crooks* v. *Taxwell Coal Co.*, 263 Ill. 343; *Victor Chemical Works* v. *Industrial Board*, 274 Ill. 11; *Mathison* v. *Minn. St. Ry. Co.*, 126 Minn. 286; *Shade* v. *Cement Co.*, 92 Kans. 146, 93 Kans. 257; *Sayles* v. *Foley* (R. I. 1916), 96 Atl. 340; *Greene* v. *Caldwell*, 170 Ky. 571; *Middleton* v. *Texas Power & Light Co.* (Texas 1916), 185 S. W. 556. And in the case of *Hawkins* v. *Bleakly, Auditor of State*, 37 Sup. Ct. 255, decided by the Federal Supreme Court on the same day as the instant case, the Iowa Workmen's Compensation Act was held to be consistent with the 14th Amendment, the Iowa court having previously held in another case that the act was not contrary to any of the provisions of the State constitution. *Hunter* v. *Colfax Consolidated Coal Co.* (Iowa 1915), 154 N. W. 1037, 157 N. W. 145.

CONSTITUTIONAL LAW—DUE PROCESS IN WORKMEN'S COMPENSATION ACT. —The State of Washington passed a Workmen's Compensation Act (Chapter 74 of Laws of 1911) which classified the various employments according to the probability of injury to employees, and provided that the employers in each group should pay into the State treasury a certain amount towards an insurance fund, the amount to be a certain percentage of their pay roll, which percentage was based on the group in which the particular industry had been classified, the lowest being 1½% in case of textile industries and the highest being 10% in the case of powder works. "For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class." The contributions thus exacted are the sole source of compensation for injured employees and for the dependent families of those employees who are killed in the course of their employment. *Held*, such a statute is a valid exercise of the police power and does not take property without due process of law. *Mountain Timber Co.* v. *State of Washington*, 37 Sup. Ct. 260.

All the arguments against the constitutionality of the New York Workmen's Compensation Act were also urged here. As to these, the court summarily disposed of them by a reference to its opinion that day rendered

in the case of *New York Central Railroad Company* v. *White,* supra, upholding the New York statute. But an additional factor in this case was the enforced contribution to the insurance fund—such a proceeding being optional with the employer under the New York statute. The act is also different from the Ohio statute upheld in *State* v. *Creamer,* 85 Ohio St. 349, 97 N. E. 602, 39 L. R. A. N. S. 694, as that statute, though providing that those who accepted the act should pay a certain percentage into a State insurance fund, did not make its acceptance compulsory, although those employers who did not accept were deprived of certain common law defenses. The statute in that State has since been changed so as to require all employers to accept the act and pay a certain percentage into the State insurance fund. Under the plan in effect in Washington, despite the fact that the employer is careful and his employees are free from accidents, yet he must pay a prescribed amount into the treasury, a part of which may be used in paying for injuries sustained by the employes of his perhaps negligent competitors. The facts of the case are similar to those involved in *Noble State Bank* v. *Haskell,* 219 U. S. 104, 31 Sup. Ct. 186, 55 L. Ed. 112, 32 L. R. A. N. S. 1062, Ann Cas. 1912A 487, in which the Federal Supreme Court "sustained an Oklahoma statute which levied upon every bank existing under the laws of the State an assessment of a percentage of the bank's average deposits, for the purpose of creating a guaranty fund to make good the losses of depositors in insolvent banks." And it would seem that the decision in the instant case goes even further than the decision in the quoted case, which to many seemed a radical opinion. For in the bank case it is possible to discover much more reason for requiring a State insurance fund than in the case of employers, there is more of a solidarity of interest among bankers than among employers, whose only community of interest is the fact that their trades are considered equally hazardous. In *Bank* v. *Haskell* the court asks itself where it will draw the line in requiring corporations to guarantee each other's solvency, but dismisses the query with the remark that these cases will be determined by the gradual approach and contact of decisions on the opposing sides. The Chief Justice, and Justices McKenna, Van Devanter and McReynolds dissented from the opinion delivered by the majority, evidently feeling that the facts here were different from those involved in *Bank* v. *Haskell,* and that the balance of justice lay in favor of the "due process" clause as opposed to the police power. However, the majority, speaking through Mr. Justice Pitney, was of the opinion that the general welfare of the public was so closely related to the passage of such a law as to justify such interference with private liberty or right of acquiring property as might result from the carrying into effect of such a law. It being to the interest of the State to provide some sort of industrial pension for the "soldier of organized industry" becoming unfit while in the discharge of his duty for further service, it lay within the discretion of the State to exercise its police power by laying a tax upon the industries which gave rise to these accidents and to apportion the burden of sustaining these injured workmen upon the various industries in the proportion in which they ordinarily cause injuries. "It cannot be deemed

arbitrary or unreasonable for the State, instead of imposing upon the particular employer entire responsibility for losses occurring in his own plant or work, to impose the burden upon the industry through a system of occupation taxes limited to the actual losses occurring in the respective classes of occupation."

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAW.—A California statute providing that persons may not practice drugless healing unless holding a "drugless practioner certificate" obtainable only upon completion of a prescribed course of study and after an examination contained an exemption in favor of persons treating the sick by prayer. *Held,* that the exemption does not render the statute invalid as denying the equal protection of the laws guaranteed by the Fourteenth Amendment, to one who does not employ prayer in his treatment of disease, but does use faith, hope, the process of mental suggestion and mental adaptation, a form of treatment in which skill enhanced by practice is to be exercised. *Crane* v. *Johnson,* 37 Sup. Ct. 176; *McNaughton* v. *Johnson,* 37 Sup. Ct. 178.

It is fundamental that the police power of the state particularly extends to regulating trades and callings concerning public health, and practitioners of medicine are properly subject to police regulation, the details of which are primarily with the legislature, and are not to be interferred with by the Federal courts so long as constitutional rights are not violated. *Dent* v. *West Virginia,* 128 U. S. 114, 9 Sup. Ct. 231, 32 L. Ed. 623. *Ex parte Ira W. Collins,* 57 Tex. Cr. R. 2, 121 S. W. 501, upholds a statute which requires all who practice medicine to be licensed, and defines medicine as meaning "the art of healing by whatever scientific or supposedly scientific method may be used." Under this classification, osteopaths were required to be licensed. In affirming the case the Federal Supreme Court stated, "We are not called upon to speculate upon other cases, or to decide whether the followers of Christian Science or other people might in some event have cause to complain." *Collins* v. *Texas,* 223 U. S. 288, 32 Sup. Ct. 286, 56 L. Ed. 439. It has also been held that a classification based upon whether or not the medical practitioner receives compensation is a valid method of determining who should be required to be licensed. *Watson* v. *Maryland,* 218 U. S. 173, 30 Sup. Ct. 644, 54 L. Ed. 987; *Arnold* v. *Schmidt,* 155 Wis. 55, 143 N. W. 1055. In *Commonwealth* v. *Zimmerman,* 221 Mass. 184, 108 N. E. 893, it was held that a chiropractor was a practitioner of medicine within the statute requiring practitioners of medicine to be licensed; and that the statute did not deprive him of the equal protection of the laws because those practicing Christian Science and mind cures were exempted. It will be observed that in the last quoted case the practitioners of Christian Science and also those who, though not Christian Science practitioners, effected their cures through mental suggestion, were exempted from the operation of the statute. In the instant case, a classification which differentiated between the two was upheld, those who practiced drugless healing without prayer were required to complete a prescribed course of study before being allowed to practice while no such requirement was made as to those who practiced through the